



THE JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

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Ranchi, Monday, 23rd December, 2019

HOME, PRISON AND DISASTER MANAGEMENT DEPARTMENT

ORDER

17 December, 2019

No. 10/CBI-607/2019- 6707 -- Whereas altogether 9 Public Interest Litigation Petitions were moved to Hon'ble Patna High Court with the prayer to entrustment of these cases, popularly known as "Fodder Scam Cases of Bihar" to CBI. Hon'ble Patna High Court vide its order dated 11.03.1996 granted the relief prayed for and directed the Director, CBI to take up the investigation. Aggrieved by this order of Hon'ble Patna High Court the State Government of Bihar moved Civil Appeal No.5177 of 1996 and 5178-83 of 1996 in the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its order dated 19.03.1996 upheld the order of Hon'ble Patna High Court. As per the direction of Hon'ble Supreme Court, CBI took up the investigation of 41 cases already registered by the State Police. Subsequently 23 cases were registered on the basis of SIRs and complaints received later which is inclusive of 13 DA Cases registered against the public servants involved in scam cases in compliance with the direction of The Hon'ble Monitoring Bench of Patna High Court.

2. And whereas consequent upon bifurcation of the state in the year 2000, 53 out of 60 charge sheeted cases were transferred to the 07 (seven) Special Courts of Ranchi for trial under the orders passed by the Hon'ble Supreme Court of India in the year 2001 and remaining 07 cases remained under trial in the Special Court at Patna.

3. And whereas out of 53 Cases under trial at Ranchi, 51 Cases have since been disposed of from trial and all ended in conviction and trial of remaining 02 Cases are at advance stage in two special courts at Ranchi.

4. And whereas investigation of Fodder Scam Cases disclosed that accused Dayanand Prasad Kashyap was instrumental in receipt of fraudulent payments to the tune of Rs.14.88 Crores without supplying any feed, fodder and veterinary medicines without any supply against fabricated allotment letters, supply orders and bills from different District Treasuries of erstwhile State of Bihar now Jharkhand during the period between 1981 and 1996.

5. And whereas details of cases wherein accused Dayanand Prasad Kashyap was convicted upon conclusion of trial are as under:

Dayanand Prasad Kashyap

Sl. No.	FIR No.	Date of Judgement	Details of sentence
1.	RC-20(A)/96	30.09.2013	RI for 04 years and fine of Rs.3 Lakh in default to further undergo RI for six months.
2.	RC-22(A)/96	01.08.2009	RI for 4.5 years and fine of Rs.2,70,000/- in default to further undergo RI for 05 months.
3.	RC-24(A)/96	07.12.2007	RI for 06 years and fine of Rs.1.35 Lakh in default to further undergo RI for six months.
4.	RC-31(A)/96	03.05.2012	RI for 05 years and fine of Rs.30 Lakh in default to further undergo RI for 01 year.
5.	RC-41(A)/96	02.02.2012	RI for 03 years and fine of Rs.04 Lakh in default to further undergo SI for 03 months.
6.	RC-44(A)/96	15.12.2009	RI for 04 years and fine of Rs.2.5 Lakh in default to further undergo RI for 04 months.
7.	RC-49(A)/96	28.01.2011	RI for 03 years and fine of Rs.75,000/- in default to further undergo RI for 06 months.
8.	RC-51(A)/96	14.07.2008	RI for 05 years and fine of Rs.15 Lakh in default to further undergo RI for 06 months.
9.	RC-57(A)/96	24.08.2008	RI for 05 years and fine of Rs.05 Lakh in default to further undergo RI for 01 year.
10.	RC-05(A)/2000	15.04.2006	RI for 03 years and fine of Rs.95 thousand in default of payment of fine, SI for 03 months.
11.	RC-68(A)/96	24.01.2018	RI for 20 years and fine of Rs. 01 Lakh in default to further undergo RI for 01 year.
12.	RC-45(A)/96	09.04.2018	RI for 07 years and fine of Rs. 01 Crore in default to further undergo RI for 01 year.

6. And whereas in addition to the aforesaid Dayanand Prasad Kashyap is also facing trial in Fodder Scam Cases RC-47(A)/96 and RC-48(A)/96 in different Special Courts at Ranchi.

7. And whereas during investigation of these cases, gold bonds of some of the accused persons were discovered and seized during investigation of the case.

8. And whereas the details of Gold Bonds at RBI, Kolkata belonging to accused Dayanand Prasad Kashyap and his family members as discovered during investigation are as under:-

Gold Bonds at RBI, Kolkata belonging to convict Dayanand Kashyap and his wife Smt. Lilawati Kashyap.

Sl. No.	Name	Wt. of Gold Rendered	Provisional receipt No. and date
1	Dayanand Prasad Kashyap	1316 Gms	RCA-000927 dated 26.05.1993
2	Dayanand Prasad Kashyap	1316 Gms	RCA-000928 dated 26.05.1993
3	Dayanand Prasad Kashyap	1316 Gms	RCA-000929 dated 26.05.1993
4	Dayanand Prasad Kashyap	1318 Gms	RCA-000930 dated 26.05.1993
5	Lilawati Kashyap and Dayanand Prasad Kashyap	9947 Gms	RCA-002289 dated 11.06.1993
6	Dayanand Prasad Kashyap	5246.5 Gms	RBCA-1306 dated 10.10.1994
Total 20459.5 Gms			

9. And whereas upon conclusion of the trial of Fodder Scam Case RC-20(A)/96-Pat Ld. Special Judge-IV, Fodder Scam Cases Ranchi in the final order and judgement, inter-alia mentioned **"In this case huge seizure have been said to be made by the CBI from different accused persons. Some of the accused persons such as A-6 and others are not claiming over the cash said to be seized from their possession. Fixed deposit receipts in the name of A-3 and A-4 and others have been seized by CBI, these persons are not claiming over the amount. Gold Bonds from A-7 and others have been seized by the CBI and they are not claiming over the property. In the above such cases the CBI is directed to deposit the cash, maturity proceeds of the Fixed Deposits and the proceeds of the Gold Bonds in the State Treasury within 8 weeks of this order. Some of the accused persons are claiming over the gold bonds and cash etc., the CBI is directed to bring proceeding under Criminal Law Amendment Act for confiscation of such property"**.

10. And whereas following orders aforesaid CBI lodged a petition to call upon the authorities of State Government of Jharkhand to nominate the officer to receive the payment of the maturity proceeds of gold bonds as mentioned in the foregoing paragraph to appropriate the amount in the state exchequer of Jharkhand.

11. And whereas after adjudication on the petition aforesaid, Ld. Special Judge -IV, Fodder Scam Cases, Ranchi vide order dated 16.06.2017 asked CBI to file application under Section 3 of Criminal Law Amendment (Ordinance), 1944, so that opposite parties i.e. name lender family members would be issued notice to explain their claim on the properties sought to be appropriated in favour of the State Government of Jharkhand.

12. And whereas evidence brought on record confirming the commission of offences of criminal conspiracy, cheating, misappropriation and criminal misconduct, schedule offences under Criminal Law Amendments Ordinance, 1944 on the part of accused Dayanand Prasad Kashyap and his family members have come to fore in view of several convictions and sentences/fines imposed on him.

13. And whereas the Govt. of Jharkhand having fully considered the material before it in regard to the allegations and circumstances of the cases believe that said persons have procured the properties detailed above by means of offences aforesaid.

14. Now, therefore, in exercise of powers conferred under Section 3 of Criminal Law Amendment Ordinance, 1944 (Ordinance 38 of 1944 the Govt. of Jharkhand hereby authorizes Shri Dasrath Murmoo, Dy. Superintendent of Police, Special Police Establishment, Economic Offences Branch of Central Bureau of Investigation, Ranchi to make an application before the Judicial Commissioner, Ranchi for attachment of properties detailed in the paragraphs above acquired by the accused persons in the names of his family members and relatives by commission of the aforesaid offences.

By the order of Governor of Jharkhand,

Sukhdev Singh,
Additional Chief Secretary.
